

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

TRICORE, INC.,	)	
Plaintiff,	)	
	)	CIVIL ACTION NO. 04-12393-JGD
v.	)	
	)	
SAFECO INSURANCE COMPANY OF	)	
AMERICA, and R.P. IANNUCCILLO &	)	
SONS CONSTRUCTION CO.,	)	
Defendants.	)	
	)	

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**JOINT MOTION OF TRICORE, INC., SAFECO INSURANCE COMPANY OF  
AMERICA, AND R.P. IANNUCCILLO & SONS CONSTRUCTION CO.  
TO STAY LITIGATION PENDING MEDIATION**

Now comes Plaintiff Tricore, Inc. (“Tricore”), Defendants Safeco Insurance Company of America (“Safeco”), and Defendant R.P. Iannuccillo & Sons Construction Co. (“RPI”) (collectively, “the Parties”), and hereby move the Court, consistent with Local Rule 16.4, to stay this litigation for forty-five (45) days to allow the Parties the opportunity to participate in mediation. In support of this motion, the Parties state as follows:

1. This litigation involves numerous claims, counterclaims, and cross-claims arising from disputes among the Parties in connection with a construction project known as “Sherrill House – Frank Wood Expansion.”
2. As relevant herein, the following motions are presently pending before the Court: (1) Safeco(Tricore)’s Motion for Summary Judgment in connection with RPI’s cross-claim; (2) Safeco (RPI)’s Motion to Enforce Settlement Agreement against Tricore; and (3) RPI’s Motion to Amend Cross-Claim against Safeco.
3. The Parties have agreed to participate in private mediation towards the end of resolving all outstanding disputes. The mediation is tentatively scheduled for March 24, 2006.

4. As the Parties' collective resources are best dedicated towards resolving this matter through mediation, and the Court's disposition of any of the pending motions may significantly alter the settlement landscape, the Parties respectfully request that the Court stay the litigation for forty-five (45) days, through and including April 14, 2006.

5. The requested stay will allow the Parties the opportunity to fully explore settlement through mediation. To the extent the Parties are not successful in settling all claims on or before April 14, 2006, the Parties request that the Court thereafter rule on any pending motions, and further reschedule the evidentiary hearing presently set for March 2, 2006 in connection with Safeco's Motion to Enforce Settlement Agreement.

For the reasons set forth herein, the Parties respectfully request that the Court stay this litigation through April 14, 2006.

Respectfully submitted:

SAFECO INSURANCE COMPANY OF  
AMERICA  
By its attorneys,

/s/ Jonathan C. Burwood

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R.P. IANNUCCILLO & SONS  
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/s/ David M. Campbell

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TRICORE, INC.  
By its attorneys,

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CROSSCLAIM DEFENDANT  
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AMERICA  
By its attorneys,

/s/ Dennis C. Cavanaugh, BBO# 639556

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Dated: February 28<sup>th</sup>, 2006